Court, U.S.
FILED

(1)

No. 96 446 JUN 3 1996

OFFICE OF THE CLERK

In the Supreme Court
OF THE
United States

OCTOBER TERM 1995

OSCAR WILKERSON,
Petitioner,

vs.

ROSWELL LINCOLN MERCURY, INC.
A/K/A TRONCALLI JAGUAR, INC
FORD MOTOR COMPANY AND
FORD MOTOR CREDIT COMPANY
Respondent.

On Petition for Writ of Certiorari to
THE SUPREME COURT OF GEORGIA

PETITION FOR WRIT OF CERTIORARI

Pro-se Oscar Wilkerson
2928 Cocklebur Trail
Decatur, GA 30034
(404) 289-0694

July 11, 1996

11 pp

QUESTIONS PRESENTED FOR REVIEW

1. Whether justice in Georgia and America is possible without the supervisory power of the Supreme Court of the United States. The Supreme Court of Georgia dismissed our civil action terminating our case without a complete trail of the issues involved or enforcing the laws of Georgia that were violated.

2. Whether denial of this Writ of Certiorari by the Supreme Court of the United States sanctions denial of the Writ of Certiorari by the Supreme Court of Georgia on May 3, 1996. Georgia's Supreme Court dismissed our civil action on April 12, 1996 terminating our case without a complete trail of the issues involved or enforcing the laws that were violated. Such dismissal supports (1) Grant of summary Judgement Motion that has no legal force, (2) Withholding 199 pages of record by the Trial Court making it impossible to clarify the enumerated errors on May 26, 1995, Pursuant Rule 27-C-(3)(i) (Court of Appeals), (3) Filing the Briefs of August 17, 1995 (Appendix L) as a motion (Court of Appeals), (4) Circumventing the Rebuttal to Summary Judgement Motion in Oral Argument dated March 1, 1995 (Appendix K), which was to support Brief of August 17, 1995 (Court of appeals). This action is in direct conflict with Georgia's constitution paragraph (1), and the 14th Amendment to the Constitution of the United States.

3. Whether granting Summary Judgement Motion that has no legal force is valid (Rule 6, Superior Court Rules - Georgia) In civil action where allegation of unstipulated facts are relied upon, supporting affidavits are needed or citations of evidentiary materials of record to support the motion. I affirm the three affiants to this Summary Judgement Motion were perjurers (Appendix K, page 4), thereby nullifying the Summary Judgement Motion.

4. Whether Affiants that are perjurers can support the motions, briefs and the concise statement of the Summary Judgement Motion filed October 12, 1994. I affirm the trial to this Civil Action E26463 was firmly set for trial November 28, 1994. Several Superior Court rules were ignored in order to not have trial on that date, and have a hearing of the Summary Judgement Motion on March 1, 1995. I affirm the Summary Judgement Motion was granted without legal force.

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PETITION FOR WRIT

OPINIONS BELOW IN THIS CASE

Oscar Wilkerson, *Petitioner,* vs. Roswell Lincoln Mercury, Inc. a/k/a Troncalli Jaguar, Inc, Ford Motor Company and Ford Motor Credit Company *Respondents.*

JURISDICTION STATEMENT

The Supreme Court of the United States is the highest court in the nation. One of its basic duties is to determine whether federal, state and local governments are acting according to the Constitution of the United States. The Supreme Court does its job by deciding specific legal cases on the basis of established rules. The Supreme Court of Gerogia dismissed our civil action on April 12, 1996 in direct conflict with Georgia's constitution. This petition seeks review pursuant constitutional rights to a jury trial.

CONSTITUTIONAL AND STATUTORY PROVISION

14th AMENDMENT TO
THE CONSTITUTION OF THE UNITED STATES

No state shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty or property without due process of law. Nor deny to any person within its jurisdiction the equal protection of the law.

GEORGIA'S CONSTITUTION

Paragraph 1, Life, Liberty and Property – No person shall be deprived of life, liberty or property except by due process of law.

STATUTORY PROVISION

RULES OF THE SUPREME COURT OF THE UNITED STATES
RULE 10

[sic] The courts of Georgia has departed from the usual and accepted course of proceedings and have sanctioned such departure by the lower court as to call for an exercise of this courts supervisory powers. Noth-

ing in the laws of Georgia or its consitution may supercede the Supreme Court of the United States that heads the Judicial Branch of the American goverment. It is undoubtedly the worlds most powerful tribunal.

STATEMENT OF THE CASE

There have never been a trial in this case. Only actions to deny a jury trial by the judicial system. (1) **Granting Summary Judgement Motions that had no legal force (appendix A), (2) Deleting Supplemental Briefs, and circumventing 199 pages of supplemented records, received August 9, 1995**.

Petitioner affirms, on March 1, 1995, there was a hearing on a Summary Judgement Motion, Civil Action E26463. At that hearing Petitioner presented to the court and respondents a document entitled, Rebuttal to Summary Judgement Motion in Oral Argument.

That 60 page document (Appendix K) gave fact and truth providing the only minutes to the hearing. The court ignored every thing presented by Petitioner. The Petitioner presented an affidavit in the Rebuttal with Substantiation that the witnesses to the Summary Judgement Motion were perjurers nullifying the Summary Judgement Motion. But the Trial Court granted the motion, irgnoring O.C.G.A. 9-11-56.

[sic] Trail Judge has inherent powers during same term of court in which judgement is rendered to revise, correct, revoke, modify or vacate such judgement even upon his own motion, for the purpose of promoting justice and in exercise of sound legal discretion. LeCraw vs Atlanta Art Alliance, Inc. 126 Ga App 656, 191 SE 2d 572 (1972). Because of such action, an appeal was made to the Court of Appeals of Georgia. The Respondents requested that a complete record of the case be sent to the Court of Appeals of Georgia (Appendix B). Clerk of the Trial Court withheld 199 pages of pertinent records needed to clarify the errors made during the proceedings of this case. Pursuant Rule 27 C (3)(i) Court of Appeals.

Search was made by Petitioners for the records needed; **records were found and with motion and court order, the records were sent to Court of Appeals on August 9, 1995.** August 17, 1995, Supplemental Brief was filed entitled Citation of Pro-se Appellant for Clarity (Appendix L). The Brief was filed as a motion in the case history

(Appendix M) deleting that Brief. The Court of Appeals also circumvented the 199 page record received August 9, 1995, that supported the Brief of August 17, 1995. Without the Supplemental Brief of August 17, 1995 and the 199 pages of records withheld by Clerk of the Trial Court, until August 9, 1995, it was impossible to clarify the enumerated errors before August 9, 1995. The decision of the Court of appeals dated December 19, 1995 (Appendix C) is without merit. The Brief and records was not handled in an appropriate manner, thereby being in direct conflict with Georgia's constitution, paragraph 1 [sic] No person shall be deprived of life, liberty or property except by due process of law. The decision was appealed to the Supreme Court of Georgia (Appendix C). The Supreme Court dismissed our civil action terminating our case without a complete trail by jury—a constitutional right (Appendix H).

Pursuant Rule 10 (Rules of Supreme Court)) an exercise of this courts supervisory power is need for rights of the people of Georgia and America.

REASON FOR GRANTING WRIT

There have been no trial or judgement in this case. **There are torts imposed in violation of the laws of Georgia on the people of Georgia according to the testimony of John S. Smith III, Counsel and Division Director for the state of Georgia. More than 35 thousand dollars have been defrauded from Petitioner and billions from the American people. I affirm John S. Smith III testifies Roswell Lincoln appears to have figured your lease payment based upon the recommendation that Ford Motor company uses in All 50 states (Appendix F).**

There have been several acts by the judicial system denying our right to a jury trial, number 1 Granting of a Summary Judgement Motion that had no legal force (Appendix A). This was substantiated in the written Rebuttal to Summary Judgement Motion in Oral Argument dated March 1, 1995 (Appendix K). An appeal was made to the Court of Appeals of Georgia listing 3 other errors made at the hearing on the Summary Judgement Motion. When the appeal was made, the respondent requested a complete record of the case to be sent to the Court of Appeals. I affirm the Clerk of the Trial Court withheld 199 pages of pertinent record making it impossible to clarify the errors made at the hearing on March 1, 1995. Pursuant Rule 27-C-(3)(i) Court of Appeals [sic] each enumerated error shall be supported. In the Brief by specific reference to the record or transcript. In the absence of such reference. The court will not search for or consider such enumeration.

Pursuant Wilkie vs State 153 Ga App 609 226 SE 2a 289 (1980) mere restatement of errors is not argument in contention. So the enumerated errors were not restated in the original brief of May 26, 1995. Because there could be no supported clarification. By record or transcript pursuant Rule 27-C(3)(i), (Court of Appeals). Motions were made to the court of appeal to get the record from the trial court. The Court of Appeals ignored the motions. Search was made by Appellant to find the 199 pages of missing record. They were found July 24, 1995. A court order from Fulton County Superior Court sent the record to the Court of Appeals. They were received August 9, 1995. On August 17, 1995. A Supplemental Brief was filed entitled Citation of Pro-se Appellant for Clarity (Appendix L) the Court of Appeals deleted that Brief by showing the Brief as a motion in the case history. **Nothing in that Supplemental Brief was ever mentioned. The 199**

pages of withheld record by the Trial Court was circumvented also, making it impossible to have identification with clarity of the errors made at the hearing on March 1, 1995. The Court of Appeals at this point sanctions denial of a Jury Trial because all errors made at the hearing on March 1, 1995 would be considered abandoned with no citation of Appellants for clarity and no Rebuttal to Summary Judgement Motion in Oral Argument for record reference. Pursuant Rule 27-C-(3)(i), Court of Appeals.

In the decision of the Court of Appeals dated December 19, 1995, there is mention of a perjurers affidavit in support of sanctioning grant of the Summary Judgement Motion that had no legal force. But the Supplemental Brief filed August17, 1995, is not mentioned. The 60 page Rebuttal that is record reference for the Citations for Clarity is not mentioned either, making it easy to deny a Jury Trial in this civil action that is a constitutional right.

The decision of December 19, 1995 is the only decision in this case (appendix C). That decision grants a Summary Judgement Motion that has no legal force contravening our pursuit of justice by jury trial.

There have been no litigation before any judge or jury. No evidence has been presented to any one showing fraud. The torts in violation of the laws of Georgia have been charged but not enforced by judgement. There is no trial or judgement to review.

On December 21, 1995, Motion for Reconsideration (Appendix D) was filed in the Court of Appeals explaining how the court of Appeals departed from judicial proceedings. The Briefs to the Motion for Reconsideration explains the original Brief of May 26, 1995, and how the concurring justices used only part of the record while making their decision (Appendix D). The justices used the affidavit of a perjurer to support their decision in the last paragraph of page 2 of their decision, dated December 19, 1995 (Appendix C). See the Affidavit of Ron Pratt in the Rebuttal dated March 1, 1995, pages 5 and 22 of the Rebuttal Appendix K.

On January 3, 1996, the Motion for Reconsideration was denied (Appendix E). Appellant affirm by Affidavit that the denial to the Motion for Reconsideration was not received until January 22, 1996 (Appendix G). On January 24, 1996, Petition for Writ of Certiorari was filed in the Supreme Court of Georgia. More than 80 pages of documents was attached to the Petition showing how the Court of Appeals

had departed from judicial proceedings, showing brief as motions in the case history and circumventing 199 pages of record while making their decision. The Petition (Appendix F), the Affidavit (Appendix G), both dated January 24, 1996. A copy of case history with marginal notes was filed in the Supreme Court of Georgia with Appendix F. The Rebuttal to Summary Judgement Motion in Oral Argument was in cluded also (Appendix K). With Citation of Pro-se Appellant for Clarity (Appendix L) all a part of Appendix F)

On April 12, 1996, the Supreme Court of Georgia dismissed the case terminating the action without a trial of the issues involved. That is a miscarriage of justice by the court. It violates Section 1 (rights of Person) of the Georgia Constitution; and the 14th Amendment to the Constitution of the United States.

On April 19, 1996, Motion for Reconsideration was filed (Appendix I) in the Supreme Court of Georgia, explaining there had been no trial by judge or jury. Explaining fraud on the American people and how the Court of Appeals sanctioned denial of our constitutional rights to a jury trail by deleting Briefs and circumventing records.

CONCLUSION

On May 3, 1996, the sanctioning of the order or judgement terminating our case without a complete trial of the issues involved is a miscarriage of justice.

On May 3, 1996, the Supreme Court of Georgia denied our Motion for Reconsideration (Appendix J) thereby sanctioning denial to a jury trial and sanctioning denial of our constitutional rights under Georgia's constitution, and denial of our constitutional rights under the 14th Amendment to the Constitution of the United States. The denial of our constitutional rights to a jury trial by the judicial system of Georgia calls for the exercise of this courts supervisory power to enforce the constitutional rights of Petitioners, people of Georgia and families of America.

FINALLY

There is no judgement or trial to review only the call for an exercise of this court's supervisory power enforcing the constitution of Georgia, and the 14th Amendment to the Constitution of the United

States granting a trial by jury. Pursuant Rule 10 of the U.S. Supreme Court. The supervisory power should be enacted for judgement of the people, by the people and for the people. Everything on the Index to Appendix is mentioned here, clarifying there have been no trial or judgement to review, only denial of our constitutional rights to a Jury Trial.

QUESTIONS TO PONDER

Sometimes people are criminally guilty but morally innocent.

(1) Was granting the Summary Judgement Motion that had no legal force an innocent decision by the Trial Court or was it to deny our constitutional right to a Jury Trial (Appendix A).

(2) Was deleting Appendix L, the Supplemental Brief of August 17, 1995, by showing and classifying it as a Motion an innocent act by the Court of Appeals or was it to sanction the decision by the Trial Court, dated March 2, 1995 (Appendix A).

(3) Was circumventing Appendix K with 6 affidavits and a Motion with Brief, an innocent act by the Court of Appeals. (Rebuttal to Summary Judgement Motion in Oral Argument was circumvented).

(4) Why did the Supreme Court of Georgia dismiss our Civil Action terminating our case without a complete trial by jury—**A constitutional right.**

(5) Why should our constitutional right to a Jury Trial be denied; or our pledge to the American flag be ignored.

Respectfully Submitted,

Oscar Wilkerson

OSCAR WILKERSON

2928 Cocklebur Trail
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July 11, 1996

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

Supreme Court, U.S.
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United States

OCTOBER TERM 1995

OSCAR WILKERSON,
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ROSWELL LINCOLN MERCURY, INC.
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FORD MOTOR COMPANY AND
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PETITION FOR WRIT OF CERTIORARI

APPENDIX

Pro-se Oscar Wilkerson
2928 Cocklebur Trail
Decatur, GA 30034
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July 11, 1996

14 P

BACKGROUND

I affirm on March 1, 1995, The Superior Court of Fulton County, Georgia granted a Summary Judgement Motion that had no legal force. All witnesses to the Summary Judgement Motion are perjurers, thereby nullifying the Summary Judgement Motion. The decision was appealed to the Court of Appeals of Georgia on March 24, 1995. The Defendants to this action requested a complete record of the proceedings be sent to the Court of Appeals of Georgia, but he Trial Court withheld 199 pages of the records to this action making it impossible to clarify the four enumerated errors in the original Brief of May 26, 1995, which are: Error #1: The Trial Court made a reversible error in granting a Summary Judgement Motion that had no legal force. Every civil action motion made prior to trial may have supporting affidavits to stipulate facts relied upon. Pursuant Rule 6, Uniform Superior Court Rules. The affidavits presented in support of the Summary Judgement Motion are by perjurers as pointed out in the last paragraph of page 2 of the Rebuttal to Summary Judgement Motion in Oral Argument. A 60 page document of the 199 pages withheld by the Trial Court until August 9, 1995 (Appendix K) dated March 1, 1995.

Error #2: I affirm the Trial Court committed reversible error in denying our amended motion. The Court gave no legal reasons or justification for the denial. Therefore the legal conclusion is without justification or legal precedents. Without this motion there can be no torts. There cannot be an application of the broken laws of Georgia. There can be no damages. The Briefs cannot be processed lawfully. There can be no application to the Court for justice and no genuine issues to be tried. This was pointed out in the 5th paragraph on page one of the Rebuttal to Summary Judgement Motion in Oral Argument.

Error #3 I affirm the Trial Court committed reversible error in denying a Jury Trial by circumventing two (2) Uniform Superior Court Rules:

> RULE 6-6: Motion for Summary Judgement shall be filed sufficiently early so as not to delay the trial. No

> trial shall be continued by reason of the delayed filing of a Motion for Summary Judgement.

I affirm this civil action was firmly set for trial by final pre-trial order on June 22, 1994, for November 28, 1994. But no trial was held on November 28, 1994, reason unknown.

> [sic] RULE 8-5: Continuance will not be granted merely by agreement of counsel. In paragraph four (4) of the Rebuttal dated March 1, 1995, [sic] The Defense working in secret agreement with my lawyers office have made moves to circumvent a Jury Trial. First, by postponement of the November 28, 1994, trial date through my lawyers office. Second, contending my lawyer has no objection. Third, that my lawyer is not my lawyer because he has not filed Notice of Appearance or signed any Pleadings.

Error #4: I affirm the Trial Court committed reversible error in not permitting Appellant to act suri juris and present all things pertinent at the hearing on March 1, 1995. Such discrimination violates Georgia's constitution–several documents were not presented.

On March 1, 1995, I affirm we met in court at 8 a.m. but for reasons unknown, we didn't get started until 8:30 a.m. At the start of the hearing, counsel for the defense talked a few minutes about what we talked about at the Deposition August 5, 1994. Then the Court said "ok" Mr Wilkerson. I affirm first, I gave copies of the 60 page document entitled Rebuttal to Summary Judgement Motion in Oral Argument to the Court and the defense. Then I began to read the Rebuttal, however, before I finished reading, I was stopped by the judge and asked questions about the 18 hanging exhibits. Then, without hesitation, the judge stopped all questions, and said to the defense I grant your Summary Judgement Motion. The judge got up and walked out of the court room. I was denied the opportunity to present the Motion and Brief of the defense that carried three affidavits of perjurers in

support of the Summary Judgement Motion.

I was denied the opportunity to present the affidavit of Appellant confirming the perjury of the three Affiants in support of the Summary Judgement Motion. The alluding and rhetoric found in the Brief of the defense on pages 44 though 54 of the Rebuttal with marginal notes was not explained to the courts. There was no chance to do anything at this point, the case was over in the Trial Court. The torts in violation of the broken laws of Georgia remained imposed on Appellant with damages financially, mentally, physically and emotionally.

I affirm the 60 page document entitled Rebuttal to Summary Judgement Motion in Oral Argument was not received by the Court of Appeals until August 9, 1995, making the Briefs of May 26, 1995, impossible to have record support identifying the enumerated errors. Mere restatement of errors is not argument in contention (Wilkie vs State 153 Ga App 609 266 SE 2a 289 (1980)). So the enumerated errors were not restated on the Brief of May 26, 1995.

On July 6, 1995, Response Brief were filed in the Court of Appeals pointing out the misleading record identifying the Rebuttal to Summary Judgement Motion in Oral Argument as a affidavit item 82 on the Index Sheet to the Court of Appeals, also it was pointed out that the record was incomplete. In paragraph one (1), page two (2) of the decision of The Court of Appeals dated December 19, 1995:

> [sic] Wilkerson is prosecuting this appeal Pro-se contending in his first Enumeration of Errors that the Trial Court erred in granting the Defendants Motion for Summary Judgement.

That contention stands. Affidavits in the records proves the Affiants that supported the Summary Judgement Motion are perjurers. So the Summary Judgement Motion is without legal force. Paragraph one (1), page two (2) of the decision further states:

> [sic] He has also enumerated three other errors. However in his appellate Brief there are no citations or

> references to the record and the latter three enumerations are supported by neither argument no citation of authority.

Petitioner affirm he could not refer to the record because the Trial Court withheld 199 pages of pertinent records. So there was no record for reference to clarify the enumerated errors until a court order of July 25, 1995, with an oral motion sent the supplemented record on August 9, 1995, to the Court of Appeals. On August 17, 1995, a Supplemental Brief was filed clarifying all errors with reference to the record pursuant Rule 27 (3) (i), which states:

> [sic] Each enumerated error shall be supported by specific reference to the record or transcript. In the absence of such reference, the Court will not search for or consider such enumeration.

> Paragraph two (2), page two (2) of the decision dated December 19, 1995, [sic] Wilkerson's failure to support the latter three enumerations by argument or citation of authority violates Court of Appeals Rule 27 (c) (2) [sic] Any enumeration of error which is not supported in the Brief by citation of authority or argument shall be deemed abandoned.

The Court of appeals deemed the errors as abandoned because the Court circumvented 199 pages of supplemented record that included Rebuttal to Summary Judgement Motion in Oral Argument with six (6) affidavits. That document supported the Supplemental Brief entitled Citation of Pro-se appellant for Clarity. Therefore the Court of Appeals used only part of the record while making their decision. The Supplemental Brief filed August 17, 1995, was deleted by showing that Brief in the case history as a motion. Such action is in direct conflict with Georgia's constitution, paragraph one (1). The Rebuttal to Summary Judgement Motion in Oral Argument are the only minutes

to the hearing presenting prima facie truth and facts identifying the Affiants that are perjurers who supported the Summary Judgement Motion. That sixty (60) page document was circumvented completely by the Court of Appeals. Such departure from the accepted course of judicial proceedings calls for an exercise of this courts supervisory powers.

> Paragraph three (3), page two (2) of the decision dated December 19, 1995 [sic] We do note that in their Appellate Brief, the Defendants argue that they were entitled to Summary Judgment based on citations to the pages of the record wherein appear an affidavit by an RLM Sales Manager.

Petitioner affirm paragraph three (3), page two (2) of the decision dated December 19, 1995, is irrelevant. The RLM Sales Manager is a perjurer as substantiated in the Rebuttal to Summary Judgement Motion in Oral Argument. Perjurers are not used in the justice system. But the Court of Appeals used a perjurer in support of their decision. Such action is not an accepted and usual course of judicial proceedings.

The Justices of the Third Division affirmed the decision of December 19, 1995. A decision that had perjurers in support. A decision that was in direct conflict with Georgia's constitution and the constitution of the United States.

Motion for Reconsideration was filed with Briefs on December 21, 1995, three days after the decision. On January 3, 1996, Motion for Reconsideration was denied. But no notice of the denial was received by Petitioner until January 22, 1996. I affirm on January 22, 1996, Petitioner called the Court of Appeals to ask if any action had taken place in my case and was told my Motion for Reconsideration was denied January 3, 1996. I affirm the only denial Petitioner received was the denial by hand delivery on January 22, 1996.

On January 24, 1996, Petition to the Supreme Court of Georgia for Writ of Certiorari was filed only 2 days after receiving the denial for

the Motion for Reconsideration. The petition included more than eighty (80 pages of documents to the Supreme Court of Georgia.

CASE DISMISSED

On April 12, 1996, The Supreme Court of Georgia dismissed the Petition for Certiorari in this case without ordering a complete trial of the issues involved, thereby being in direct conflict with Georgia's constitution, paragraph 1 and the 14th Amendment to the Constitution of the United States.

Motion for Reconsideration was filed April 19, 1996, because this case was never presented to a judge or jury for a complete trial. So there is nothing to review except the enumerated errors. Pursuant O.C.G.A. 5-6-48 (F) which require that the appeal be considered where it is apparent from the enumeration of errors what errors are sought to be asserted — Bruce Tile Co. vs Copelan 185 GA App 469 364 SE 2a 603 (1988). The errors asserted in this appeal was clarified on August 17, 1995, with Citation of Pro-se Appellant for Clarity, supported with the supplemented record of August 9, 1995. Only after August 9, 1995, could the enumeration of errors be clarified with record support pursuant Rule 27 (c) (3) (i) Court of Appeals. On May 3, 1996, the Supreme Court of Georgia denied our Motion for Reconsideration, thereby sanctioning denial of our constitutional right to a trial by jury.

I affirm there have been no trial in this case.

PURSUANT RULE 14.1(i) U.S. SUPREME COURT

Petitioner affirm the State Court of first instance granted a Summary Judgement Motion that had no legal force as explained in the first paragraph of page one of the background information of this Appendix. In the Superior Court of Fulton County – State of Georgia

ORDER

> [sic] This case came before the Court on Defendants motion for Summary Judgement on all issues, after careful consideration of the pleadings the arguments of counsel for Defendants and plaintiff pro-se and the evidence of record. This Court granted defendants Motion for Summary Judgement on all counts and judgement shall be entered in favor of the Defendants. So ordered this 2 Day of March 1995.
>
> Judge Frank M. Eldgridge.

Petitioner affirm that record confirm perjury by witnesses to the Summary Judgement Motion, nullifying the Summary Judgement Motion. The Trial Court ignored O.C.G.A. 9-11-56 permitting the error to stand.

> [sic] Trial judge has inherent power during same term of Court in which judgement is rendered, to revise, correct, revoke, modify or vacate such judgement even upon his own motion for purpose of promoting justice and in exercise of sound legal discretion. Lecraw vs. Atlanta Art Alliance, Inc. 126 GA App 656 191 S.E. 2a 572 (1972).

The decision was appealed to the Court of Appeals of Georgia on March 24, 1995, because the Summary Judgement Motion was granted without legal force, and three (3) other reversible errors were made at hearing on March 1, 1995. All errors were timely clarified pursuant Rule 27-C-3(i) Court of Appeals, on August 17, 1995, with Supplemental Brief. That Brief also pointed out in error #3 that the Trial Court made moves to prevent a Jury Trial. Conflicting state constitution, U.S. Constitution

Third Division
Chief Judge C. J. Beasley
Judge P. J. Pope
Judge J. Ruffin

December 19, 1995
Not to be officially reported

[sic] In the Court of Appeals of Georgia
A95A1866 Wilkerson vs Roswell Lincoln Mercury Inc., et. al.

Beasley Chief Judge

Wilkerson filed this action against Roswell Lincoln Mercury Inc. (RLM) and others. In the complaint he stated he owned a 1988 Lincoln TownCar prior to entering into an agreement with RLM to lease a 1991 Lincoln TownCar. He alleged that the 1988 TownCar was assigned a cash value of $12,441.00 by salesman for RLM, and that RLM agreed that his equity in the 1988 TownCar would be applied to reduce the residual value of the 1991 TownCar at the end of the leased term in the event he exercise his option to purchase the 1991 TownCar. Asserting in part that RLM breached this agreement and defrauded him by concealing the true facts concerning the manner in which the 1988 TownCar was to be treated under the lease, Wilkerson sought damages.

Excerpts from the first page of the opinion of the court of Appeals are written above. They are irrelevant because there have been no trial. Page 3 of the opinion is irrelevant also because the opinion continues in discussion that have not been litigated; and no judgements have been made. Page 2 of the opinion of the Court of

Appeals is discussed completely starting in the third paragraph of page 3 of the background of this appendix; and continuing through pages 4 and 5 of the background information.

The last paragraph of page 5 of the Appendix points out on January 24, 1996, Petition to the Supreme Court of Georgia for Writ of Certiorari was filed only two (2) days after receiving the denial for the Motion for Reconsideration.

On April 12, 1996, the Supreme Court of Georgia dismissed the case without ordering a complete trial. On April 19, 1996, Motion for Reconsideration was filed with Brief in the Supreme Court of Georgia.

On May 3, 1996, the Supreme Court of Georgia denied our Motion for Reconsideration—sanctioning denial of our state constitutional rights and denial of rights under the Fourteenth Amendment to the U.S. Constitution, to a jury trial. The denial to a jury trial was first mentioned on March 1, 1995, in the Rebuttal to Summary Judgement Motion in Oral Argument on page 1. Also see paragraphs 1 and 2 of page 2 of the background information of this Appendix.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office

Atlanta

Date: April 12, 1996

Case No 596C0719

Oscar Wilkerson vs roswell Lincoln Mercury, Inc. a/k/a Troncalli Jaguar, et. al. Court of Appeals Case No A95A1866

The Supreme Court today dismissed the Petition for Certiorari in this case. All the Justices concur.

Sincerely,

Sherie M. Welch, Clerk

ORDERS

SUPREME COURT OF GEORGIA

Case No S96C719

Atlanta, May 3, 1996

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

Oscar Wilkerson v Roswell Lincoln Mercury Inc. a/k/a Troncalli Jaguar Inc. et. al.

Upon consideration of the Motion for Reconsideration filed in this case, it is ordered that it be hereby denied.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Sincerely,

Sherie M. Welch, Clerk

Respectfully,

Oscar Wilkerson

Oscar Wilkerson
2928 Cocklebur Trail
Decatur, GA 30034
(404) 289-0694

December 19, 1995

IN THE COURT OF APPEALS OF GEORGIA
THIRD DIVISION
BEASLEY, C.J.,
POPE, P.J., RUFFIN, J.

Bea-128

A95A1866

WILKERSON

v.

ROSWELL LINCOLN MERCURY, INC., *et al.*

BEASLEY, Chief Judge.

Wilkerson filed this action against Roswell Lincoln Mercury, Inc. (RLM), and others. In the complaint, he stated that he owned a 1988 Lincoln Towncar prior to entering into an agreement with RLM to lease a 1991 Lincoln Towncar. He alleged that the 1988 Towncar was assigned a cash value of $12,441 by a salesman for RLM, and that RLM agreed that this equity in the 1988 Towncar would be applied to reduce the residual value of the 1991 Towncar at the end of the lease term in the event he exercised his option to purchase the 1991 Towncar. Asserting, in part that RLM breached this agreement and defrauded him by concealing the "true facts" concerning the manner in which the 1988 Towncar was to be treated under the lease, Wilkerson sought damages.

Shortly before Wilkerson's first attorney filed a motion to withdraw, he filed an amended pro se complaint, al-

leging, among others things, that RLM had committed various criminal offenses.

Wilkerson is prosecuting this appeal pro se, contending in his first enumeration of error that the trial court erred in granting the defendants' motion for summary judgment. He has also enumerated three other errors. However, in his appellate brief, there are no citations or references to the record, and the latter three enumerations are supported by neither argument nor citation of authority. Although the defendants have noted these omissions in Wilkerson's brief, his reply brief is likewise deficient.

Wilkerson's failure to support his latter three enumerations by argument or citation of authority violates Court of Appeals Rule 27(a)(3) and they are treated as abandoned, Rule 27(c)(2); *Stinson v. Allstate Ins. Co.*, 212 Ga. App. 179, 182(3) (441 SE2d 453) (1994). Wilkerson's failure to support his statement of facts and of the proceedings below by citations to the record violates Rule 27(a)(1). His failure to support the remaining enumeration of error by references to the record violates Rule 27(c)(3)(i). We will not search for or consider the enumeration. *Atlanta Gas Light Co. v. Redding,* 189 Ga. App. 190(2) (375 SE2d 142) (1988).

We do note that in their appellate brief, the defendants argue that they were entitled to summary judgment, based on citations to the pages of the record wherein appear an affidavit by an RLM sales manager, the original lease executed by Wilkerson, a vehicle order form signed by Wilkerson, and Wilkerson's deposition testimony. The order form lists the total cash price of the 1991 Towncar as $35,647. In his affidavit, the sales manager testified that Wilkerson's equity in his 1988 Towncar became a trade-in allowance that was applied to the 24-month lease to achieve a monthly payment of $500 exclusive of use or lease tax and that otherwise Wilkerson's monthly payments would have exceeded $900.

Although $900 may appear to be an excessive monthly payment for the lease of a car in the $35,000 price range, it appears from the foregoing parts of the record that RLM is not chargeable with fraud, breach of contract, or the criminal offenses alleged by Wilkerson. The affidavit, order form, and deposition testimony do also show that the agreed-upon gross trade-in value of Wilkerson's 1988 Towncar was $12,383.67 (incorrectly stated as $11,242.55 in the lease, thereby resulting in a $1,142.12 refund to Wilkerson). The lease and deposition testimony show that a net trade-in allowance of $9,435.42 was applied to the initial charges due under the lease, that Wilkerson was given the option to purchase the 1991 Towncar at the end of the lease for $17,474, and that he declined to exercise his option to purchase the car at that price.

Judgment affirmed. Pope, P.J., and Ruffin, J., concur.